



SENATE JOINT RESOLUTION 05-047

BY SENATOR(S) Windels, Bacon, Fitz-Gerald, Gordon, Groff, Shaffer, Tapia, Tochtrop, Tupa, and Williams;
also REPRESENTATIVE(S) Merrifield, Benefield, Borodkin, Buescher, Coleman, Frangas, Larson, Madden, Plant, Solano, Todd, Romanoff, Massey, and Vigil.

CONCERNING THE CREATION OF AN INTERIM COMMITTEE TO
STUDY THE FINANCING OF PUBLIC SCHOOLS.

WHEREAS, Section 2 of article IX of the Colorado Constitution requires "the establishment and maintenance of a thorough and uniform system of free public schools throughout the state"; and

WHEREAS, The General Assembly has declared: "It is the obligation of all Coloradans to provide all children with schools that reflect high expectations, and create conditions in all schools where these expectations can be met"; and

WHEREAS, The primary purpose of the "Public School Finance Act of 1994", article 54 of title 22, Colorado Revised Statutes, was to promote inter-district fiscal equity among all of Colorado's school districts; and

WHEREAS, The level of equity achieved by the "Public School Finance Act of 1994" should be monitored over time to ensure it is maintained or improved, especially as it relates to variations in local tax effort and tax bases across school districts; and

WHEREAS, The sources and amount of revenues for supplemental funding from local foundations and fundraising varies among school districts; and

WHEREAS, The voters in Colorado passed Amendment 23 in 2000, which was designed to address the fact that education spending for Colorado's children had not kept pace with student growth and inflation

since 1988 by restoring, by the year 2011, the per pupil operating revenues in Colorado to the levels of such revenues in 1988; and

WHEREAS, Even with the funding provided by Amendment 23, when compared to personal income, Colorado ranks near the bottom of all states in spending for public education from preschool through the twelfth grade, and Colorado's spending levels for categorical programs, especially for special education, are falling below the national average; and

WHEREAS, Colorado has joined other states and the federal government in pursuing standards-based reform to improve public education, including the passage of Colorado standards-based education reform (HB93-1313), the "Colorado Basic Literacy Act" (HB96-1139), and an education accountability system through the "Educational Accreditation Act of 1998" (HB98-1267) and school accountability reports (SB00-186). The state has also complied with the federal "No Child Left Behind Act of 2001", expanded parental choice through inter-district enrollment, provided on-line education, created charter schools, and worked to close the achievement gap. The result of this legislation has been a philosophical shift from universal access to universal proficiency; and

WHEREAS, In *Colorado General Assembly v. Lamm*, 700 P.2d 508, the Colorado Supreme Court found that the plenary power of the legislature over appropriations is the power to set aside a certain sum of money for a specified object; and

WHEREAS, It is in the state's interest for school districts to be successful in assuring that all students perform at a proficient level; and

WHEREAS, School districts have encountered additional costs in achieving proficiency for all students; and

WHEREAS, Article IX of the Colorado Constitution grants local school boards control over the schools in their school districts; and

WHEREAS, School districts acknowledge and accept the responsibility for academic achievement and the accountability systems created, and they ask the General Assembly to create a new public school finance system that provides the equity and resources necessary to enable all children to meet academic expectations; and

WHEREAS, The quality of public education is dependent, in part, upon an appropriate learning environment; and

WHEREAS, A survey of Colorado school districts conducted by the state auditor in 2003 reported an estimated \$4.7 billion in unmet kindergarten through twelfth grade school facility needs; and

WHEREAS, Time is of the essence to consider challenges relative to the current school finance system; now, therefore,

Be It Resolved by the Senate of the Sixty-fifth General Assembly of the State of Colorado, the House of Representatives concurring herein:

(1) That there shall be a committee to work in the interim after the First Regular Session of the Sixty-fifth General Assembly to study the funding for students in public schools statewide, to analyze the needs of public school facilities throughout the state, and to determine funding factors and formulas that should be adopted to ensure that all students in public schools in the state are receiving a thorough and uniform education in a safe and effective learning environment. The interim committee shall consider, but shall not be limited to considering, the following:

(a) The impact of recent education reforms on the ability of school districts and the state to meet their legal and constitutional obligations with respect to public education;

(b) Whether, in the pursuit of academic achievement, there are any legislative or constitutional barriers working in concert with the current school finance act that have created difficulties for school districts or the state to meet their obligations to all children attending public schools;

(c) The components of a new school finance act that would maximize the ability of school districts and the state to meet their constitutional obligations to all children attending public schools;

(d) Whether the current system by which school districts pay for capital facility needs is thorough and uniform;

(e) Whether the state needs to adopt state standards for public school facilities; and

(f) The methods by which Colorado school districts account, under the chart of accounts, for the allocation of moneys to the schools within the districts and whether the districts interpret the categories and report the allocation of moneys under the chart of accounts in a uniform manner.

(2) That the interim committee shall consist of ten members. The President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives shall appoint the members of the committee as follows:

(a) The President of the Senate shall appoint three senators, one of whom shall be named chair of the committee, and the Minority Leader of the Senate shall appoint two senators.

(b) The Speaker of the House of Representatives shall appoint three representatives, one of whom shall be named vice-chair of the committee, and the Minority Leader of the House of Representatives shall appoint two representatives.

(3) That the President of the Senate and the Speaker of the House of Representatives shall appoint a school finance task force to assist the interim committee in its work, including attending meetings of the committee, making presentations, and providing written and oral comments and other relevant data to the committee upon request of the committee. The task force shall be comprised of sixteen members, one of whom shall be named chair of the task force. The members of the task force shall be comprised as follows:

(a) Two members shall be Colorado school district chief executive officers and two members shall be Colorado school district chief financial officers. Of these four members of the task force, at least one shall represent a large school district, at least one shall represent a medium-sized school district, and at least one shall represent a small school district.

(b) One member shall be a representative of the Colorado department of education.

(c) One member shall be a member of the state board of education.

(d) One member shall be an expert in school finance with national experience.

(e) Three members shall be members of a Colorado school district board of education. Of these three members of the task force, one shall represent a large school district, one shall represent a medium-sized school district, and one shall represent a small school district.

(f) One member shall be a member of the business community or a member of a local chamber of commerce.

(g) One member shall be a representative of an organization in Colorado that is studying school finance.

(h) One member shall be a representative of a charter school.

(I) One member shall be a public school teacher.

(j) One member shall be a representative of a statewide teachers' association.

(k) One member shall be the parent of a child or children in a public school.

(4) That the interim committee and the task force shall submit a written report of its findings and recommendations to the Education Committees of the Senate and the House of Representatives by January 15, 2006;

(5) That the members of the interim committee shall be compensated as provided in section 2-2-307, Colorado Revised Statutes, for attendance at meetings of the interim committee;

(6) That any member of the interim committee may sponsor legislation recommended for introduction by the committee. Such legislation shall be subject to the limitations imposed by the Joint Rules of the Senate and House of Representatives regarding legislation recommended by interim committees.

(7) That the Legislative Council Staff and the Office of Legislative Legal Services shall be available to assist the interim committee in carrying out its duties;

(8) That the Legislative Council Staff shall have the authority to solicit input from the members of the public, especially those members of the

public with expertise related to school finance issues, to aid the committee in its work;

(9) That all expenditures incurred while conducting the work of the interim committee shall be approved by the chair of the Legislative Council and paid by vouchers and warrants drawn as provided by law from moneys allocated to the Legislative Council for legislative studies from appropriations made by the General Assembly;

(10) That any staff needed to assist the school finance task force in conducting its duties shall be provided by nonprofit agencies, private entities, or volunteers; and that the task force may accept gifts, grants, and donations to be used to assist the task force in carrying out its duties; and that the Legislative Council Staff shall not be responsible for administering any such gifts, grants, and donations.

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